

THE
DEATH, BURIAL
AND
RESURRECTION
OF

The ACT of the 35th. of Eliz.

Entituled,

An ACT to retain the Queens Majesties Subjects in their due Obedience.

B E I N G

An ANSWER to a late Lying Pamphlet;

Entituled,

The Life and Death of the 35th. of Eliz.

Here being lately a scurrilous and seditious Pamphlet spread abroad to ensnare His Majesties Loyal Subjects, Entituled, The Life and Death of the Statute of the 35th of Queen Elizabeth, and by such means to withdraw His Majesties Subjects from their due Obedience and Conformity, according to the known Laws of this Kingdom; suggesting that the said Act is discontinued; thereby at once not only grossly reflecting on the Proceedings of the two last Parliaments, but calling in question the Judgment of the King, Lords and Commons, who (upon starting the Question, Whether or not this Act of the 35th of Elizabeth was in force?) in the 16th year of His now Majesties Reign, did unanimously declare, That the said Act was then in force, and ought to be put in due Execution. For the better satisfaction of which point, I have only set down the several continuances and revivings of the said Act, and the continual care of every Parliament since the making that Law, being certainly the best, if not the only, means to keep His Majesties Subjects to their due Obedience.

An Act made in the 35th. of Eliz. Cap. 1. entituled,

Sec. 13. **A** N Act to retain the Queens Majesties Subjects in their due obedience, with this proviso, that it shall continue no longer than to the end of the next Session of Parliament.

This Parliament began the 19th. of February, in the 35th. of the Queen, and was dissolved the 10th of April following.

The next Parliament began the 24th. of October, in the 39th. of the Queen, and there continued until the dissolution thereof, being the 9th. of February next following 1597.

Cap. 18. This is the Session, to the end whereof the 35th. of Eliz. was to have continued in force, in which Session the 35th. of Eliz. was revived by an Act entituled, *Sec. 26.* **A** n Act for reviving, continuing and repealing divers Statutes; which *Eliz.* enacts, the same shall continue and remain in force unto the end of the next Parliament next ensuing. *Sec. 41.*

The next Parliament began the 27th. of October, in the 43d. of the Queen, and there continued until the dissolution thereof, being the 19th. of December next following 1604.

Cap. 9. In this Session the 35th. of Eliz. is again revived by the Statute entituled, *Sec. 18.* **A** n Act for continuance of divers Statutes, and for repeal of some others; which *Sec. 27.* Statute enacts, That the same shall be continued and remain in force until the end of the first Session of the next Parliament.

The first Session of the next Parliament began the 19th. of March, in the 1st. year of King James, and there continued to the 7th. of July 1604. and then prorogued to the 7th. of February next following.

1 Jam. The 35th. of Eliz. is again continued in this Session by the Act entituled, *Cap. 25.* **A** n Act for continuing and reviving of divers Statutes, and for repealing of some *Sec. 24.* others; which enacts, The same shall be continued and remain in force until the end of the first Session of the next Parliament.

The 2d. Session of the forementioned Parliament began and was held by Prorogation the 5th. of November, in the 3d. of King James, and there continued until the 27th. of May, and then was prorogued to the 18th. of November next 1606.

The 3d. Session of the forementioned Parliament began from the last Prorogation of the 18th. of November, in the 4th. of King James, and there continued till the 4th. of July 1607. and then prorogued to the 16th. of November next following.

The 4th. Session of the forementioned Parliament began and was held by Prorogation the 10th. of February, in the 7th. of King James, and there continued until the 23d. of July, and then Prorogued to the 16th. of October next following 1610.

Now observe, that in the 1st. Session of Parliament held in the 1st. of King James, the 35th. of Eliz. was revived and continued in force until the end of the 1st. Session of the next Parliament.

The 2d. Session of Parliament was held by Prorogation in the 3d. of King James.

The

The 3^d. Session was held by Prorogation in the 4th. of King James.

The 4th. Session was held by Prorogation in the 7th. of King James; so that it is apparent by the Proviso in the 1st. year of King James, that there needed not (as the late Pamphleteer seems to hint) any Revivor of the 35th. of Eliz. in either of the 3 last mentioned Sessions, they being Sessions of the same Parliament held in the 1st. of King James.

In the 12th. of King James another Parliament was held at Westminster, but no Act passing, it was no Sessions.

In the 18th. year of King James there was another Parliament holden at Westminster, wherein only there passed some Subsidy Acts. And in the next Parliament being holden in the 21st. year of King James, the Question did arise in Parliament, Whether amongst other temporary Acts, this Act of the 35th. of Eliz. were discontinued? And for clearing the Doubt, Stat. 21 Jac. ^{Cap. 28.} ^{Se^{ss}. 1.} entitled, *An Act for the continuing and reviving of divers Statutes, and for repeal of divers others.* This Clause is inserted, that the said Acts shall by virtue of this Act be adjudged ever since the Session of Parliament, in the 7th. year of His Majesties Reign of England, to have been of such force and effect, as the same were the last day of that Session, and from thenceforth until the end of the first Session of the next Parliament.

The 18th. of June the next Parliament was holden at Westminster, and ^{1 Car. 1.} there continued to the 11th. of July following, and then Adjourn'd to Oxon; In which Sessions it was Enacted, *That all Statutes and Acts of Parliament,* ^{Cap. 7.} *which were to have continuance unto the end of that Sessions, should be of full force, after the said Adjournment, until that Sessions should be fully determined; And if it should happen that that Session of Parliament should be determined by the Dissolution thereof, that then the 35 of Eliz. with other Acts, should be continued in force until the end of the first Session of the next Parliament.*

And the next Parliament was holden ^{3 Car. 1.} 3 Car. 1. and this Act was revived and continued in force unto the end of the first Sessions of the next Parliament. ^{Cap. 4.} ^{Se^{ss}. 21;}

The next Parliament was holden, ^{16 Car. 1.} 16 Car. 1. in which Sessions it was Enacted, ^{22.} *That the passing of that Act, &c. should not be any determination of that Sessions, and that all Acts of Parliament should have their continuance according to the* ^{16 Car. 1.} ^{Cap. 4.} *Act of 3 Car. 1. and should be of the same force as they were the last day of that Session, and from thenceforth until some other Act of Parliament be made touching the continuance or discontinuance of the same; so that it is plain, this Act is still in force, unless the Pamphleteer can produce an Act whereby this Act of the 35 of the Queen is repealed; and it must be very lately; For this doubt arising the second time in Parliament in the 16th. year of His now Majesties Reign: In the Preamble of the Act entitled, *An Act to prevent and suppress Seditious Conventicles.* It is declared by King, Lords and Commons, ^{Cap. 4.} *That the Act of the 35 of the Queen was then in force, and ought to be put in due Execution.* And although that Act be expired, yet this Clause is declaratory and distinct from that Act; and the Act of the 22^d. of this King was never made in favour of Dissenters.*